

OPEN MEETING ITEM

COMMISSIONERS
KRISTIN K. MAYES - Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP



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EXECUTIVE DIRECTOR

ARIZONA CORPORATION COMMISSION

ORIGINAL

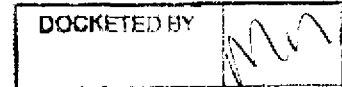
DATE: SEPTEMBER 8, 2009
DOCKET NO: T-03068A-08-0160

Arizona Corporation Commission

DOCKETED

SEP -8 2009

TO ALL PARTIES:



Enclosed please find the recommendation of Administrative Law Judge Belinda A. Martin. The recommendation has been filed in the form of an Order on:

HEATH COMMUNICATIONS, INC.
(CANCEL CC&N)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

SEPTEMBER 17, 2009

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

SEPTEMBER 22, 2009 and SEPTEMBER 23, 2009

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

DOCKET CONTROL
SEP 8 2009

2009 SEP -8 A 10:36

ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET, PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET, TUCSON, ARIZONA 85701-1347

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This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SABernal@azcc.gov

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 KRISTIN K. MAYES, Chairman
4 GARY PIERCE
5 PAUL NEWMAN
6 SANDRA D. KENNEDY
7 BOB STUMP

8 IN THE MATTER OF THE APPLICATION
9 OF HEATH COMMUNICATIONS, INC. FOR
10 THE APPROVAL OF THE SALE OF ASSETS
AND/OR CANCELLATION OF THE
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE CUSTOMER-
OWNED PAY TELEPHONE SERVICE IN
THE STATE OF ARIZONA.

DOCKET NO. T-03068A-08-0160

DECISION NO. _____

ORDER

11 Open Meeting
12 September 22 and 23, 2009
13 Phoenix, Arizona

BY THE COMMISSION:

14 Having considered the entire record herein and being fully advised in the premises, the
15 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

17 1. Heath Communications, Inc. ("Applicant") has a Certificate of Convenience and
18 Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of
19 Arizona pursuant to Decision No. 59673 (May 15, 1996).

20 2. On March 17, 2008, the Applicant filed with the Commission an application for
21 cancellation of the Certificate ("Application").

22 3. On August 28, 2009, the Commission's Utilities Division Staff ("Staff") filed a Staff
23 Report, recommending approval of the Application and cancellation of the Applicant's Certificate
24 without a hearing.

25 4. According to Staff, on July 17, 2009, Staff contacted Jim Heath, the company's
26 owner, and confirmed that he is authorized to submit the Application. Staff also verified that the
27 Applicant does not wish to have a hearing in order to cancel the Certificate.
28

CONCLUSIONS OF LAW

5. Staff's recommendation is reasonable and should be adopted.

ORDER

IT IS THEREFORE ORDERED that the Application of Heath Communications, Inc., for the cancellation of the Certificate of Convenience and Necessity to provide customer-owned pay telephone service shall be, and is hereby, approved.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN _____ COMMISSIONER _____

COMMISSIONER _____ COMMISSIONER _____ COMMISSIONER _____

IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,
Executive Director of the Arizona Corporation Commission,
have hereunto set my hand and caused the official seal of the
Commission to be affixed at the Capitol, in the City of
Phoenix, this _____ day of _____, 2009.

ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

1 SERVICE LIST FOR: HEATH COMMUNICATIONS, INC.

2 DOCKET NO.: T-03068A-08-0160

3

4 Jim Heath
HEATH COMMUNICATIONS, INC.
3691 West El Moraga Place
5 Tucson, Arizona 85745

6 Janice Alward, Chief Counsel
Legal Division
7 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
8 Phoenix, Arizona 85007

9 Steve Olea, Director
Utilities Division
10 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
11 Phoenix, Arizona 85007

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